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FM AMEMBASSY MOSCOW  
TO RUEHC/SECSTATE WASHDC PRIORITY 0004  
INFO RUCNCIS/CIS COLLECTIVE  
RUEHDX/MOSCOW POLITICAL COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 000921

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E.O. 12958: DECL: 01/18/2016  
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [PINR](#) [RS](#)  
SUBJECT: CIVIL SOCIETY COUNCIL CHAIR PAMFILOVA: "WE'LL  
TRACK IMPLEMENTATION OF NGO LEGISLATION"

Classified By: Ambassador William J. Burns. Reasons: 1.4 (B/D).

¶1. (C) SUMMARY: In a January 18 meeting with visiting DRL A/S Barry Lowenkron, the Ambassador and EUR DAS Kramer, Ella Pamfilova, head of the Presidential body that oversees civil society issues, said she had strongly opposed the controversial NGO legislation and had weighed in with President Putin. She criticized public U.S. reaction, however as counterproductive in that it left President Putin no choice but to sign the bill in its current state. She also argued more generally that the U.S. should be less critical of Russia in public. Lowenkron countered that the USG had taken a discreet approach in dealing with the GOR on the legislation, avoiding public debate. Public manifestations of U.S. concern were reflected in a Congressional resolution, yet even that was cast more in the spirit of registering concerns. The NGO legislation will be harmful, Pamfilova said, but she will help lead a broad effort by a strong network of Russian NGOs to monitor its implementation. END SUMMARY.

¶2. (C) The meeting took place a day after the public notice that President Putin had signed the controversial NGO legislation. Citing a dramatic worldwide increase in the number of NGOs over the past fifteen years, Lowenkron began by emphasizing that NGOs had become a reality and played a positive role throughout the world. NGOs could be supportive or critical of governments, but they should not be viewed as enemies.

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THE EFFORT TO DERAIL THE NGO BILL  
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¶3. (C) Pamfilova stressed that from the moment the first draft of the legislation had been offered for consideration by the State Duma, she had viewed it as "the most odious legislation I had ever seen." She had immediately criticized the bill, and had voiced her criticism to Putin. While some of the flaws in the first draft had subsequently been removed, many others remain in the text signed by Putin on January 10. The legislation was in itself not terrible, she continued, but it raised fears about implementation. While there was reason to hope that, like many other Russian laws, it would not be implemented at all, there was more reason to worry that it would be selectively implemented. For that reason, Pamfilova continued, she would lead an effort to closely monitor the legislation once it formally goes into effect.

¶4. (C) Saying that she wanted to speak frankly because "we share common interests," Pamfilova argued that U.S. public reaction had been harmful to the efforts she had helped lead to significantly change the bill. Pamfilova characterized U.S. opposition as having come at a pivotal moment when there was a chance to further amend the bill in light of Western recommendations. U.S. public criticism put Putin in a corner, and left him no choice but to approve it in its

current form. Much of the Russian public favored the thrust of the bill, Pamfilova said, noting that although she had received some five hundred letters opposing the draft legislation, she had received many more favoring it.

15. (C) U.S. criticism reflected a broader flaw in the U.S. approach, Pamfilova argued. The U.S. should not be so harsh publicly on the Russians, particularly in the current mood when the public rejects Western influences, associates democracy with poverty and corruption, still suffers from loss of its empire, and demonstrates significant anti-Americanism. That mood, which prevails throughout the Russian population, places human rights and civil society activists in a difficult position; democrats are in a small minority in Russia, Pamfilova said. Russia needs help from the U.S. to proceed along a democratic path, Pamfilova continued, but the U.S. should express itself more tactfully.

A measured approach, such as that taken by many Europeans, would be more effective. According to Pamfilova, harsh criticism only reinforces a pervasive attitude among Russia's elite that because the West is being hyper-critical, listening to Western advice is fruitless.

16. (C) Expressing appreciation for her candor, Lowenkron emphasized that President Bush, in his conversations with President Putin, and Secretary Rice in her discussions with FM Lavrov, had raised the issue quietly. In response to Russian arguments that its NGO bill was similar to American procedures, the Secretary had instructed State to provide the GOR with an analysis of U.S. laws and to offer a comparison with the Russian draft legislation. Throughout the entire period of Duma consideration of the NGO bill, the USG had handled the issue discreetly, Lowenkron underscored. We pursued quiet discussion rather than public debate. The

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Secretary had also consistently made clear that democracy by

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its very nature cannot be imposed on a country, while at the same time stressing that creation of democracy cannot be a top-down process in any country. The U.S. Congress passed a resolution expressing its concerns, Lowenkron noted, but this did not "threaten" Russia. Pamfilova replied that the Russian public does not differentiate between the Administration and the Congress. Moreover, Russians interpreted the resolution as a threat.

LOOKING AHEAD

17. (C) Now that Putin had signed the legislation, Lowenkron asked, what will be its consequences and how will Pamfilova help monitor its implementation? Pamfilova replied that Putin had not fostered the legislation to counter a potential orange revolution in Russia. According to Putin, what happened in Ukraine could not happen in Russia. Such a revolution could occur only where the population did not respect its leadership, as was the case in Ukraine. While Putin understood this, Pamfilova said, others in the elite did remain fearful of an "orange revolution." From Putin's viewpoint, the legislation had been created to fight both foreign influences on Russian domestic politics and radical Islamic influences from abroad. The legislation will not succeed in either goal, Pamfilova continued, adding that she had made that point to Putin. Its biggest flaws were that it failed to define "political activity," thus leaving room for its arbitrary use by bureaucrats against organizations they disliked, and that it opened the door to massive corruption. Indeed, bureaucrats and Duma deputies had lobbied heavily for the bill because, having lost opportunities to receive bribes as businesses found their registration process more transparent, they now saw NGO registration as a new opportunity to collect bribes.

18. (C) The legislation was a step backward, but Putin had

nonetheless helped strengthen civil society in other ways, Pamfilova argued, adding that foreign critics did not seem to notice that. Changes to tax laws had created more possibilities for foundations to support NGOs, for example, and Putin was meeting regularly with civil society organizations. He met once a year with Pamfilova's Council, she reported. In the most recent such meeting, in July 2005, Putin had asked the Council to prepare a plan to encourage funding to NGOs, studying Western models as a basis for its suggestions. Pamfilova added that her Council did not reflect a top-down approach; while some Russian "political technologists" took such an approach, it had been discredited. In addition to the steps she had listed, Pamfilova said that Putin had also taken other positive steps on civil society, although the new NGO legislation might threaten some of those.

¶9. (C) With respect to monitoring of the new legislation, Pamfilova said that Russia's vast civil society community -- containing some 120,000 NGOs -- had a strong network of experts. Her own NGO (which works on child welfare issues) includes over 750 groups throughout the country, and many other Council members had similar networks. This would allow for effective monitoring implementation of the legislation, which would also include issuing reports on the Internet and elsewhere about how things were proceeding, Pamfilova continued. She planned to report to the State Duma and to Putin. Although civil society may be in the minority in Russia, Pamfilova said, it is well organized, thanks partly to Western help, and was well prepared to monitor the legislation's implementation. Pamfilova added that Putin had asked her to work with international NGOs in the run-up to the G-8 summit.

¶10. (C) Lowenkron welcomed the fact that Pamfilova would report to Putin and that she was helping address misconceptions about the orange revolution. He echoed her concern that the legislation could be used against any NGO. Adding that he also welcomed the Council's role in using Western models to generate ideas on funding sources for NGOs, Lowenkron stressed that in the U.S., organizations need register only if they are to represent a foreign government or if they seek tax free status; otherwise, they are free to function as long as they are not terrorist or extremist. Acknowledging Lowenkron's point, Pamfilova reiterated that Putin had told her that he wanted Russian law to be based on Western experience. She said that Russian legislation would get to that point eventually, and expressed appreciation to the Ambassador for having provided her with information about U.S. laws on NGOs.

¶11. (SBU) A/S Lowenkron cleared this cable.  
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